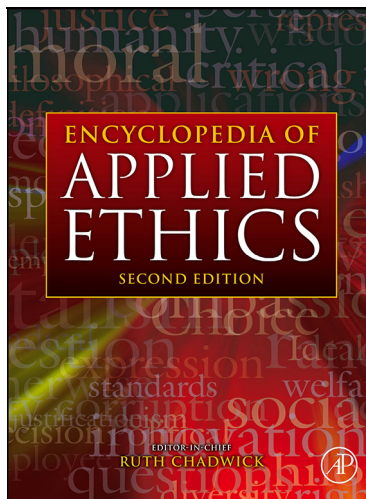


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Slippery Slope Arguments

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Glossary

Argument from added authority An argument often (but in my view incorrectly) considered a slippery slope, holding that someone should not be given a certain authority or responsibility because he or she will probably abuse it.

Empirical slippery slope argument A version of the slippery slope argument that argues that doing A will, as the result of social and psychological processes, ultimately cause B.

Full slippery slope argument A version of the slippery slope argument that combines various other versions in one complex structure, together with an appeal to a social climate of public opinion.

L₁, or first logical version of the slippery slope argument A version of the slippery slope argument holding either that there is no relevant conceptual difference between A and B or that the justification for A also applies to B, and therefore acceptance of

A will logically imply acceptance of B.

L₂, or second logical version of the slippery slope argument A version of the slippery slope argument holding that there is a difference between A and B, but that there is no such difference between A and M, M and N, . . . , Y and Z, Z and B, and that, therefore, allowing A will in the end imply the acceptance of B (M, N, Y, and Z are intermediate steps on the slope).

Slippery slope argument An argument of the following form: If you take a first step A, as a result of a sticky sequence of similar actions by either yourself or other actors that are relevantly similar to you, action B will necessarily or very likely follow; B is morally not acceptable; therefore, you must not take step A.

Sorites (or paradox of the heap) This is an argument holding that if one grain is not a heap and one more grain cannot make the difference between a heap and not a heap, we can never speak of a heap.

Introduction

Case 1: “Perhaps, in some extreme cases, voluntary euthanasia may be morally justified. Yet, we should never do it, let alone make it legal, because this would be the first step on the slippery slope towards an inhumane society. Further steps could be the killing of severely handicapped newborns and then the killing of persons with a mental handicap, until we finally kill the useless elderly against their will.”

Arguments such as this are very common in applied ethics. They have the general following form: If we do (or accept) A, which in itself may not be morally wrong, we will start a process that will lead us to a clearly unacceptable result B. In order to avoid B, we must refrain from A.

Slippery slope arguments are frequently encountered in biomedical ethics. In recent years, they have also been used in debates on integration (the fear of an Islamic ‘tsunami’), on homosexuality (Judge Scalia argued in *Lawrence v. Texas* that decriminalization would lead to a whole parade of horrors, such as legalizing adult incest and bestiality), and on same-sex marriage (the next step being polygamy and marriages between humans and animals). Their typical purpose is to prevent undesirable

changes, and, therefore, they are most common in those fields that are characterized by rapid developments, such as biomedicine. They can, however, be found in all fields of applied ethics. Consider the following examples:

Case 2: “Once public officials cross the line of accepting seemingly innocent gifts like bottles of wine, there is no stopping and the road to corruption is open.”

Case 3: “If we allow the Communists to take over Vietnam, they will successively take over each of the countries of Southeast Asia.”

Case 4: “If we prohibit a meeting of a Nazi party, we will end up with prohibitions of fully democratic organizations.”

More examples can easily be found (Douglas Walton and Eugene Volokh provide a wealth of case material). The most common name nowadays for this type of argument is the slippery slope argument, but it has many synonyms. Various poetic titles have been used, such as ‘the thin end of the wedge,’ ‘letting the camel’s nose in the tent,’ ‘this could snowball,’ and ‘the domino theory.’

Slippery slope arguments have dubious standing in philosophy; they have often been treated as mere fallacies. However, this characterization does not really do justice to them, even though they are only seldom fully

conclusive arguments. Not only do they often have great rhetoric power but also they usually have a certain intuitive appeal and an initial plausibility, which means that they cannot simply be dismissed as always fallacious. Arguments of this kind can be brought forward against almost every change in the status quo: There is always a possible risk that this action starts an uncontrollable process leading to undesirable consequences. This makes them a strong rhetoric tool in the hands of conservatives. However, this broad scope is also the central problem because the argument is not discriminating enough. It could forestall almost every action, and we clearly cannot avoid all the changes in the world we live in, even if we wanted to. Therefore, the basic question of evaluation should be the following: Under what conditions precisely are which types of slippery slope arguments acceptable arguments?

Definition

The basic idea of a slippery slope argument may be easy to grasp, yet it is difficult to construe a precise definition. As a starting point, we might begin with a provisional one:

A slippery slope argument is an argument of the following form: If you take a first step A, as a result of a sticky sequence of events, step B will necessarily or very likely follow. B is clearly not acceptable. Therefore, you must not take step A.

(For A and B we can fill in any type of action or omission. In fact, A and B may refer to an action taken by the actor him- or herself or to an action taken by someone else, which the actor allows, accepts, or prohibits. For reasons of style, I simply talk of doing, allowing, or accepting A.)

This formulation is still much too broad. Some further qualifications should be made because it covers almost all the arguments that refer to possible negative consequences of a suggested action.

The most common suggestion is to add the requirement that A is in itself morally neutral or even justifiable. This does not seem a useful qualification to me. Often, the question is precisely whether A is justifiable, because the proposed principles that seem to justify A would justify B as well and might, therefore, not be sound after all. Moreover, the parties in a practical debate often do not agree on the question of whether A is justifiable in itself, and in such situations the opponent of A might use the slippery slope argument as a second line of defense to convince the proponent that A should not be done after all. Consider Case 1: Many opponents of legalizing euthanasia consider even voluntary euthanasia (= A) morally wrong as such. They use the risk of a slippery slope as an additional argument in discussions with those who

disagree on that point to convince them that, nevertheless, all forms of euthanasia should be legally prohibited in order to prevent terrible consequences.

We should look elsewhere for useful qualifications of the provisional definition. Studying some concrete examples may show which modifications should be made.

Case 5: "The Supreme Court should not assume authority to evaluate the aspects of public policy involved in this case of affirmative action. Though the exercise of this authority is innocuous (perhaps even beneficial) in this specific case, the Court might later abuse it."

Case 6: "The government should not allow a manufacturer to dump PCB-contaminated waste into this small stream, because the PCBs will run into a downstream river. The PCBs would kill the fish and wildlife in that river and pollute the drinking water for those downstream who use the river for that purpose."

Case 7: "You should not use this pesticide to kill mosquitoes, because it will also kill many useful insects."

Case 8: "A grocery shop should not lower its prices in order to attract more customers, because the bakery around the corner will probably respond with a similar action. The resulting price war may lead to a situation in which both lose out."

Under the previous broad definition, each of these four cases would qualify as a slippery slope argument. There are, however, good reasons to exclude at least the first three and, depending on the perspective, perhaps the fourth as well.

Case 5 may be labeled as an argument from added authority. It can be a valid argument because it draws our attention to the risk of abuse of power, but it is not a slippery slope argument. There is only one relevant action here: the action by which the Supreme Court implicitly or explicitly assumes authority with respect to a certain type of question. Further actions by the Court are of a completely different type: the exercise of that authority, presumably of an increasingly dubious nature.

If we would call this sequence of events a slippery slope, the category would include the warning for abuse against every action that transfers authority or responsibility to a person or institution. It would include lending a car to a potentially dangerous driver or even granting parental authority to any parents, simply because we know no parent is perfect. It does not seem useful to include this broad category of arguments from added authority or added responsibility under the heading of slippery slopes. In my opinion, it is essential that the first step and the next steps are somehow of a comparable nature. A first additional requirement for calling an argument a slippery slope argument can be distilled from this: Sequential events leading from A to B should be of a relevantly similar type.

Case 6 (like Case 5 inspired by Walton, who regards both as slippery slopes) exemplifies a long causal chain argument. It argues that through a series of events, action A will necessarily result in B. There is, however, apart from allowing the dump, no further action involved. It is perfectly natural to say that dumping such waste causes the death of fish and wildlife and causes the pollution of drinking water, even if the causal chain is quite long and complex. We should not qualify every argument that points to long-term consequences of actions as a slippery slope. We may distill a further requirement from this analysis: A mere sequence of events is not enough – there should be a sequence of actions.

Case 7 points to the side effects of an action. These are, like the long-term effects, clearly relevant for evaluating an action. If the prohibition of abortion were to lead to an increase in the number of deaths among pregnant women as the result of illegal abortion practices, this is a strong argument against it, but it is not a typical slippery slope argument. In practical debates, however, arguments referring to side effects are often intertwined with real slippery slope arguments, and careful analysis is needed to disentangle them because the method of evaluation of both types is different. In fact, the distinction is implicit in the provisional definition if we realize that A and B should be different actions and not merely different descriptions of the same action.

Case 8 is of a more ambiguous nature. It is what we could call a spiraling-down argument. Action A might trigger a downward spiraling movement through a process of action and reaction. From one point of view, this is not a slippery slope. The reaction is not by the grocery but, rather, by a different actor – the bakery need not react in that way. A criterion for calling something a slippery slope could be that the actions should all be by the same person, group, or institution. Such a criterion would also be relevant in a complete analysis of Case 5, if we reformulate it as “We should not let the Court assume authority...” Most of the examples mentioned in the discussion of that case, such as lending a car to someone, also have to do with the fact that the actor conferring the authority is someone other than the actor exercising the authority.

From a different perspective, however, we might argue that the grocery and the bakery are relevantly similar and belong to the same group of actors – that of bread-selling shops. In this sense, we could say that the grocery does start on a slippery slope, just as an individual judge may take the first step, even though he is not involved in further steps taken by other judges.

This analysis indicates a further requirement. Not only should A start a series of further relevantly similar actions leading to B but also these actions should be actions taken by the same person, institution, or group, or they should be the actions taken by persons, groups, and institutions

that are relevantly similar. What counts as similar with respect to both the actors and the actions can, as this example illustrates, be a matter of controversy and will sometimes depend on the perspective taken, but we should at least stick to the criterion.

With the help of these four further requirements, we can now formulate a final definition as follows:

A slippery slope argument is an argument of the following form: If you take a first step A, as a result of a sticky sequence of similar actions by either yourself or by other actors who are relevantly similar to you, action B will necessarily or very likely follow. B is morally not acceptable. Therefore, you must not take step A.

Types of Slippery Slope Arguments

There are various types of slippery slope arguments. A standard distinction is that between the logical (or conceptual) and the empirical (or psychological or causal) version. The logical form of the argument holds that we are logically committed to accept B once we have accepted A. We can further subdivide the logical version with the help of the criterion of whether there is a relevant difference between A and B or not. The empirical form tells us that the effect of accepting A will be that, as a result of psychological and social processes, we sooner or later will accept B.

In the literature, we find many further distinctions; some of them are, in fact, based on distinctions in the context of application rather than the form of the argument itself. A framework of three basic types (one empirical and two logical ones) and a combined version, as suggested later, will usually be sufficient for practical analysis.

The First Logical Slippery Slope Argument, L₁

The first logical version – I call it L₁ – states either that there is no relevant conceptual difference between A and B or that the justification for A also applies to B and, therefore, acceptance of A will logically imply acceptance of B. A and B need not be identical, but the differences are not relevant from a normative point of view. If L₁ is correct, this is a very strong argument. The moral demand of universalizability (which, according to many ethical theories, is central to morality) or the more general demand of consistency requires us to treat A and B in a similar way. If there is no relevant difference between A and B, and if B is clearly unacceptable, we should regard A as unacceptable as well. If, in Case 2, accepting a bottle of wine and accepting a \$100 000 gift are not essentially different, because they are both to be

seen as forms of corruption, and if accepting the larger bribe is clearly morally wrong, we should also refuse the bottle of wine.

Because the argumentative power of L_1 is primarily based on universalizability, many authors refuse to call it a proper slippery slope argument (a position I once took). Yet, there are good grounds to call it a slippery slope argument. Only after careful analysis, only when the debate is over, can one sometimes conclude that the argument boils down to an appeal to universalizability. Before this analysis, however, it is often difficult to say so, because the question of whether there is any relevant conceptual difference between A and B is yet unclear. In that phase of the discussion, it is often not (yet) possible to distinguish the two logical versions. Perhaps it will even be only after we have fully gone down the slope that we will finally be convinced that, after all, there was no relevant difference between A and B or that there was a distinction that we only noticed when we were beyond it. Although, theoretically, the distinguishing criterion between L_1 and L_2 is simple, in practical debates it is not always so.

The Second Logical Slippery Slope Argument, L_2

The second logical version holds that there is a difference between A and B, but that there is no such difference between A and M, M and N, . . . , Y and Z, and Z and B, and that, therefore, allowing A will in the end imply the acceptance of B. (M, N, Y, and Z are intermediate steps on the slope.) There may seem to be a clear distinction between aborting a 3-month-old fetus and killing a newborn child, but this distinction collapses as soon as we realize there is no such distinction between a 3-month-old fetus and a 3-month and 1-day-old fetus, and so forth. This version is the practical analog of the sorites problem in logic: If one hair less cannot make a man bald, how can we ever call a man bald?

The crux in L_2 is that there is a gray zone. We know A is black and B is white, but we cannot tell where A stops and B begins. Some men are clearly bald and some are clearly not, and there is an intermediate category that we might as well call bald as not-bald. In this gray zone, there is no nonarbitrary cutoff point, but the need to set a cutoff point somewhere is not arbitrary. This means that if we are able, somehow arbitrarily but authoritatively, to set a cutoff point, any point will do. 'Driving too fast' is a vague concept, but if we can authoritatively make it more concrete by stating that 30 mph is too fast on this specific road, this may be a reasonable solution. It is reasonable simply because a line has to be drawn somewhere in the gray zone. If it had been arbitrarily set too low, such as at 5 mph, it would have been unreasonable because it would have been in the white zone. This

nonarbitrary setting of an arbitrary cutoff point is not always possible, however.

The gray zone in L_2 is usually the result of both semantic indeterminacy and epistemic indeterminacy. It is partly the result of the vagueness of our language. This can sometimes be countered by using more precise language, as in the case of speed limits. However, it is also partly the result of a deficiency in our knowledge, both empirical and moral. We simply do not know in advance what the safe dose of a new drug will be for human beings, or what general criteria to set for a bargain in order for it to be considered 'unfair.' Making language more precise to counter this epistemic indeterminacy would only be an apparent solution and often be counterproductive.

The L_2 version (and the L_1 version as well) can usually be applied in two directions: as an argument both for and against a certain position. If we start from the intuitive idea that killing a newborn baby is clearly wrong and then go backward by small steps, we will end up proving that killing an embryo is equally wrong. If we start from the intuitive idea that killing an embryo *in vitro* is not wrong, because an embryo is not yet a human person, we can go forward and defend that killing an older fetus is not the killing of a person and therefore not objectionable either. One line of argument thus leads to a prohibition of abortion at all stages of fetal development, and the other leads to a defense of legal abortion at all stages.

The Empirical Slippery Slope Argument

The empirical version argues that doing A will, as the result of social and psychological processes, ultimately cause B. The causal processes suggested vary from changes in the attitude toward killing held by physicians practicing euthanasia to a general shift in the ethos of a society. A helpful analysis of some of the causal mechanisms has been given by Volokh. An important factor is that in a group (e.g., a parliament), members do not order options in the same way: They have so-called multi-peaked preferences. This implies that whereas there may be no majority for directly going from the status quo to B, there may be a majority who prefers A over the status quo and then a different majority who (partly for different reasons) prefers B over A. For example, one minority group (valuing freedom of school choice while strongly against religious schools) could tip the balance for introducing school vouchers for nonreligious schools (A), and then a different minority group (stressing nondiscrimination) might support extending the voucher system to religious schools (B). If the first group is strongly against B, then it should not support A either.

The Full Slippery Slope Argument

The full or combined version combines various versions in one complex structure, together with an appeal to a social climate of public opinion. In many actual debates, slippery slope arguments have this complex nature. Usually, the various constitutive elements are not made explicit so that it remains unclear which versions precisely are combined and how they drive social practice along the various steps of the slippery slope.

Precisely because of its complexity, the full version is difficult to evaluate. Especially the vague reference to public opinion makes it a difficult argument both to attack and to defend. The central question, to which we return later, is whether, and if so how, the combination of the various versions adds to its strength, or whether it is merely an argumentative chain that is as strong as its weakest link. In order to evaluate it, we must carefully disentangle the various subarguments and analyze them separately.

The Apocalyptic Slippery Slope Argument

A last type of slippery slope, only mentioned to be discarded again, is the Apocalyptic or Doomsday argument. A horrible situation is sketched that is so highly speculative that the cogency of the argument – insofar as it exists – depends more on horror than on its likelihood. Although it is frequent in public debates and has high demagogical power, it has no merits of its own. Insofar as it seems to embody an argument that should be taken seriously, it can better be reformulated as one of the other versions.

Contexts of Application

A second important distinction is to be made with regard to the contexts in which the slope is supposed to exist and – in connection with this – the actors that take the first step. Is it the judge who takes the first step on a legal slope when, in an extreme case, he acquits the physician who practiced euthanasia? Is it society at large that, in its social practice, becomes more lenient toward dodging taxes? Or is it perhaps the individual official who accepts small presents from business relations as a small slide in her personal morality?

Usually, slippery slope arguments are vague about the precise context or refer to a combination of contexts. We should make this explicit and analyze which contexts could be relevant and how plausible the various versions of slippery slopes are in those specific contexts, given the role of logic and social mechanisms in each of them. Case-by-case decision making in courts is, for instance, highly vulnerable to the L_2 version because every judicial

decision sets a new precedent. This new precedent in turn may be a good reason for taking further decisions that would not have been justified without the precedent. Legislation, on the other hand, is itself not vulnerable to L_2 , but it may facilitate a slope of the L_2 version in judicial practice, if the language used in a statute is vague and leaves broad discretion to the judiciary. The opposite possibility is that legislation prevents a slippery slope by setting clear limits and standards, such as 50 mph or the strict prohibition of experiments with embryos beyond 14 days after conception.

If various actors and contexts are combined, this will sometimes mean that it is their joined force that irresistibly drags society as a whole down the slope. (In such cases, we should, however, doubt that if all these actors and contexts have the same tendency, we really could avoid taking the first step at all.) The combination, then, is a negative factor. However, the combination may also result in a careful social process, which helps us develop new standards that are more acceptable than the old ones and that constitute a sound guarantee against slides down the slope. Thus, the interaction between the judiciary and the legislative (in connection with a broader public debate) can, in favorable circumstances, lead to defensible new lines. The judiciary may, through its case-by-case method that can take full account of all the relevant details of concrete situations, fulfill an important role in the careful exploration of new territory, for example, by dealing with euthanasia cases and gradually developing criteria for cases in which euthanasia can be considered acceptable. This judicial ‘experimentation’ might engender a broad public debate that may sometimes lead to refinement and retraction by the judiciary and sometimes to further steps. Once this course of judicial experimentation and public debate has led to a broader consensus on some clearer standards, legislation may more strictly formulate these new standards as authoritative. (To make my point somewhat clearer, I hold that the Dutch developments on euthanasia have largely, although not completely, followed this model.)

The second reason why the distinction between contexts and actors is relevant is that we must be able to discern step A as a separate action for which we can freely choose. If A is not thus discernible, we are probably either already on the slope (there is no free choice) or A is not so much a separate step as part of a more general process. Then, we had better take a more general level of analysis and discuss that broader process to determine whether it can be checked. Orientation of the discussion on A will then probably be a useless effort to fight this process at the wrong place. Only if A is a separate action that might as well not be taken does it make sense to discuss slippery slope arguments as an argument against A.

In some contexts, there are very clearly discernible steps that are a matter of free choice. They are usually

actions where only one actor is involved (taking the first cigarette) or where the process of decision making is institutionalized, such as in law. It makes perfect sense to say that the legislature made the first step toward the restriction of free speech when it accepted a statute prohibiting hate speech, or that the Supreme Court made the first step toward an inhumane society when it ruled in *Roe v. Wade*. (To avoid misunderstanding, note that although these arguments make sense, they need not be valid or plausible.) With respect to a personal morality, a first step on the slope is usually also easily identifiable, for instance, when a public official accepts the first gift of a business relation. It is much more difficult to discern such a step when we discuss the social practice and social morality of society at large.

How far should we go in distinguishing various types of contexts? In theory, the number of contexts is endless because no context is completely identical, but the following rough categorization seems to be adequate for most practical purposes:

1. Personal morality – the morality actually accepted and practiced by an individual.
2. Social morality – the morality actually shared and practiced by a social group or society.
3. Critical morality – the general moral principles or ethical theory used in the criticism of actual social institutions including social morality and law.
4. Adjudication – the case-by-case decision making by both courts and other institutions like mediators.
5. Legislation and regulation – the production of general rules by legislators both at the level of parliament and at other levels.
6. Other institutionalized practices, such as public policy making or managing a commercial company.
7. Combinations of the former contexts, including other contexts, such as practices based on prudence.

Evaluating Validity and Plausibility

After these analytical exercises, we are now equipped to deal with the central question: When are slippery slope arguments good arguments? To answer this question, we must distinguish between the versions of the argument involved and the contexts in which they are thought to apply and then evaluate each of the versions in each of the relevant contexts. Even if in some contexts the conclusion is that the argument is not strictly invalid, it is seldom fully conclusive. It is only a probabilistic argument, which should be considered more or less plausible and which can be overruled by other arguments. Nevertheless, some more general remarks are possible, and I deal with them in the order of the four versions of the argument. I do not

discuss all contexts but only those for which some significant conclusions are possible.

The First Logical Slippery Slope Argument, L₁

As noted previously, it is often not clear at the outset whether an argument is of the L₁ or L₂ version because we do not know whether there is a relevant conceptual distinction between A and B or not. In many cases, close analysis will then show that an argument is a complex argument consisting of various versions. Sometimes, however, even after such an analysis, it remains unclear because we cannot oversee whether there is a reasonable distinction in a field of new phenomena that we do not yet fully understand. Our normative theories may simply not yet be adequate to deal with certain new phenomena. Should an embryo be considered a person or not? Is an obligatory HIV test morally different from an obligatory genetic test? Perhaps years of further study will result in an acceptable answer, but at the moment the decision has to be made, we just do not have adequate insight. In such cases, it seems to be wise to treat each case as one in which both the L₁ and the L₂ argument might hold.

An interesting problem is posed in the situation in which there is a relevant conceptual difference on a line somewhere between A and B, but this difference is not so important that it can bear the whole weight of the presumed distinction between A and B. An example is the line of viability in the continuous development from conceptus to person. Surely, it is relevant and it is a reason for some difference in treatment, such as a prohibition of abortion beyond that line. Yet, the difference between viable and nonviable is not fundamental enough to constitute the basic line that completely marks the switch from an entity that, either legally or morally, is not worthy of protection to an entity that is worthy of protection. It seems to me that this is a gradual process.

When discussing experiments with embryos, viability is not the fundamental line; protection against experiments should start much earlier. (If the reader does not agree with me on this example, he or she may invent other ones with similar characteristics.) This shows that the same line may in some respects be relevant and reasonable – for example, concerning the question of whether abortion should be allowed – but not in other respects – for example, concerning the question of whether experiments with embryos should be allowed. Then the conclusion must be that, only with respect to the abortion problem, we have a clear line and a relevant difference between A and B so that accepting abortion before viability does not logically commit us to infanticide.

However, in my opinion, we do not (yet) have such a clear line with respect to other issues, such as experiments with embryos, so that we cannot exclude that accepting

those experiments with embryos would logically commit us to accepting similar experiments with babies. This means that both the L_1 argument and the L_2 argument can be countered when we discuss allowing abortion of 3-month-old embryos, but that it would be possible that they cannot be countered with respect to allowing experiments with 3-month-old embryos. Probably the point of no return with respect to embryo experiments is somewhere before the 3 months.

If the analysis shows that we can find no reasonable distinction between A and B, the L_1 argument can be a valid argument against A. (We can, however, also avoid this conclusion by arguing that B was not so wrong after all.) Moreover, in certain contexts this might be a very strong, if not conclusive, argument against A; if B is clearly unacceptable, we should consider A unacceptable as well. This will especially be the case in those contexts in which consistency and universalizability are important ideals, such as in critical morality, because most ethical theories consider universalizability an essential characteristic.

In the context of law, consistency is also an important requirement, but we should note that it has more force in the context of adjudication than in that of legislation. Legislation (and in some respects, public policy making as well) can more easily set arbitrary limits than the judiciary, whose integrity is more strongly connected with consistency. A governmental or legislative decision declaring that only the first 10 applicants will get a grant (because financial means are insufficient to allow more grants) can be justified as a matter of public policy and can be laid down in legislation. However, a judicial decision, without such a legal basis, stating that only the first 10 applicants will get asylum would be unacceptable.

The conclusion is that it depends on the context of application what force the L_1 argument will have. In debates on critical morality, it can be a valid and highly relevant argument. In institutionalized contexts, and especially in adjudication, it may have some force as well.

The Second Logical Slippery Slope Argument, L_2

The L_2 argument is not valid in the context of critical morality. L_2 holds that there is a difference between A and B but there is no nonarbitrary cutoff point on the continuum between them. As long as we are, in a reflective discussion, able to determine where the gray zone begins and ends (these limits need not be a point but can also be gray zones themselves), we can make a decision to set an arbitrary line somewhere in that zone – every line will be justified. The fact that we do not know what speed exactly (50 or 55 mph?) should be considered too dangerous is no argument for not even allowing a speed of 45 mph.

The L_2 argument may have some force in social morality, but then only in combination with the empirical

version. As long as we can (as in critical morality) not only draw a line in the gray zone in our theoretical discussions but also effectively uphold that line in our moral practice, there is no problem. Only if empirical factors result in the fact that we cannot effectively uphold the line does the slope become a real danger. However, this means that the primary force in this case is the empirical slippery slope, so it is better to discuss it in the next section.

The most interesting context for the L_2 argument is law. It has a completely different role in legislation and adjudication: Adjudication is highly vulnerable to this argument, whereas statutes may even form an explicit and safe barrier against it. In adjudication, the risk is real that through a series of small steps by different judges, each of them almost nonobjectional in the light of existing case law but each adding a new precedent, we will end up with B. On the other hand, legislation can often effectively counteract such slippery slopes by setting clear limits such as prohibiting driving at 50 mph rather than driving dangerously.

For example, in my view, nowhere on the continuum between conceptus and newborn is there a nonarbitrary cutoff point for the question of allowing experimentation. If the judiciary (or ethics review boards, which are in this respect comparable to the judiciary) were to develop standards case by case for situations in which experimentation is acceptable, the risk of the L_2 argument driving us too far might be real. Once the legislature has set a clear line, however – for example, by enacting a prohibition on experiments beyond 14 days after conception – even if this line is an arbitrary one, this may effectively forestall a slide down the slope.

The Empirical Slippery Slope Argument

The empirical slippery slope argument can be valid in almost all contexts. Only in the context of critical morality is its validity doubtful, depending on the type of ethical theory used. It is difficult to imagine how the general principles of utilitarianism or Kantianism could change as a result of an empirical process. However, those ethical theories that recognize the importance of moral experience or intuitions as relevant in the formation of theories, such as reflective equilibrium theories or neo-Aristotelianism, seem more vulnerable to the empirical slope. If our moral experiences change as a result of social processes, we might come to accept what we now think unacceptable. However, for a neointuitionist this is not really an objection, precisely because he or she will accept that our current intuitions are fallible and, therefore, may be wrong. One hundred years ago, it would probably have been a good slippery slope argument against theories that defended votes for women that doing so might lead to a female prime minister or president. Nowadays, however, we no longer have a strong moral intuition that this would

be a bad result. Therefore, we can conclude that the empirical slippery slope argument does not apply to the context of critical morality.

In the other contexts, the empirical version may be valid in theory, but it is usually difficult to judge whether it is plausible. A starting point for our analysis may be the discussion of a situation in which the argument is sometimes used, but in which it must be considered an invalid argument against the acceptance of A. Often, the acceptance of A is merely a symptom or a symbol of a broad social process of which the acceptance of B might be the outcome. A is in fact a result of that process as well, but it is not a crucial causal factor in the process leading to the acceptance of B. Attacking the symptom or symbol will not stop the process, and it will probably result in an ineffective symbolic campaign. Therefore, it is not a good argument against accepting A to say that in the end, the same process will lead to accepting B, because not accepting A will not stop the process. By allowing A in those situations, we do not step on the slippery slope; we are already on the slope. We only take a next step, but this step must be evaluated as an act or a process in its own right because we cannot say a priori in which direction it will go. It may be a neutral step sideward. Therefore, we need something more than the simple fact that the acceptance of A is part of a process toward B to establish a sound slippery slope argument.

Sometimes, however, there is some further evidence. Allowing A is a major factor in the process leading to the acceptance of B, or at least a necessary condition. The acceptance that abortion may sometimes be morally justified is a necessary condition for the acceptance of an abortion program based on eugenic purposes. The line between the status quo and A is a clear and effective one (e.g., a general prohibition against killing or abortion), but there are no such lines between A and B. Allowing A will then remove a social barrier without instituting a new barrier. Factor A may not be the only factor, and it may not even be the main factor in the process leading to B. However, sometimes it is the only factor we can influence, or it is simply the factor that is most easily influenced.

The distinction Bernard Williams makes between a reasonable and an effective distinction may be helpful here. A reasonable distinction is one for which there is a decent argument, whereas an effective distinction is one that, as a matter of social or psychological fact, can be effectively defended. A reasonable distinction need not be an effective one, and vice versa.

The argument here is not that there is no reasonable distinction; the argument is that although there may be a reasonable distinction between A and B, it is not enough. What is missing is an effective barrier against accepting B in the way the existing prohibition serves as an effective barrier. The prohibition against killing is effective against

involuntary euthanasia, but once we have accepted voluntary euthanasia, there will be no more barriers. The old standard rule against killing is thus weakened, and the new rule that includes the exception for voluntary euthanasia will not be a defensible new barrier – or so the opponent of legalizing voluntary euthanasia might argue.

This is, in a sense, the empirical transformation of the logical versions. If there is no reasonable distinction, then we have the empirical analog of L_1 . If there is a reasonable distinction that is not effective, it is the empirical analog of L_2 . Once we accept A, we will be driven by long strides or by unnoticeable small steps toward B, without any possibility to stop. The reasons that there is no such effective barrier may differ – maybe there is no consensus about the further distinctions to be drawn, or maybe the concepts used in defending A are so vague and ambiguous that the gray zone can easily be made to encompass B.

This version of the empirical argument may hold and it has some intuitive appeal. Whether it should be considered convincing largely depends on the facts of the case. Some general criteria are helpful to judge whether the risk of a slope is really a good argument:

1. One has to make plausible that the expected short-term consequences are clear, negative, and probable, and that these follow from or directly have to do with the proposed act or policy.
2. The long-term consequences should result from the short-term consequences and be clear and negative as well, but they need not be inevitable.
3. It must be plausible that although we can stop now, we will not have that same possibility further down the slope.
4. There must be an acceptable alternative action that is less susceptible to the slippery slope.

These requirements place a heavy burden of proof on the proponent of the slippery slope. Therefore, it will only seldom be a really convincing argument in those situations in which we consider A in itself a morally recommendable action. Only when we do not have very strong opinions about the moral quality of A does the empirical version sometimes have enough plausibility to prevent us from doing it.

The Full Slippery Slope Argument

The full version depends for its strength on the constituent elements, the various versions out of which it is built. Thus, we have to evaluate each of them separately first, but that does not mean that we should judge them in isolation. The power of the combined version is that to go from A to B one argument need not go the full way. Arguments of consistency may lead the judges from A to M; social processes may then lead society further from M to P; and a move later codified in legislation using vague

language and then again the judiciary, interpreting that vague language, may lead us from P to B. Each of the mechanisms may result in some steps. Moreover, sometimes the combination of different types of slopes in different contexts may reinforce one another. The step from A to M taken by the judiciary may be supported by similar arguments in ethical and public debates.

Even if combination and mutual reinforcement is possible, the argument is still as strong as its weakest link. We have to consider whether each of the steps is likely in itself. Is it, for instance, really probable that in the codification of the move from M to P Parliament will introduce vague legislation? It may as well create clear lines, for instance, by setting a definite standard of conditions under which euthanasia will be permitted. If this intervention is probable, a further slide down the slope could be prevented.

If on any of the steps between A and B such a stop is possible and not unlikely, it may well be the most effective use of our energy to try to establish an effective new barrier at that point rather than, probably without success, try to prevent any moves to A at all. If A is in itself morally unobjectionable or even recommendable (as legalizing certain forms of euthanasia is, in my view), and finds support both in critical morality and in social morality, it can be counterproductive to try to stop A. There will probably then be a continuous effort by groups in society to get A accepted and the arguments against it are then not very strong. Efforts to establish a new reasonable and effective barrier between A and B will then probably be more fruitful. This shows how important a careful analysis of the slippery slope argument can be. If we try, impressed by the rhetoric of the argument, to stop a development at the wrong point, we will not only lose the battle on that point but perhaps also be unable to stop it at the point where it should and could have been stopped, simply because we have misdirected available energies. This is a warning against too easy and uncritical use of the argument; it will sometimes only result in a short-term Pyrrhic victory that has disastrous consequences in the long term.

The Rhetorical Dimension: Practical Debates

The conclusion of the previous section is that slippery slope arguments are usually difficult to substantiate, although in some contexts they may be valid and plausible. However, they are very common in practical debates. To understand this popularity, we have to address other dimensions of the use of these arguments.

One reason why the slippery slope is so frequent in practical debates is its emotional appeal. This makes it very useful for those who, rather than convince their

opponents, simply want to win. 'A socialist government will be the first step toward communist dictatorship' and similar phrases have sometimes been powerful arguments to win the electorate. Especially in political debates, the effectiveness of slippery slope arguments is often reversely correlated to their plausibility. Because of the emotional appeal, rebuttal is usually difficult – rational criticism only seldom can correct the emotions that the argument has produced.

A second reason is that even in rational practical debates, there is usually no fully conclusive argument that may decide the case. The decision is taken on the basis of a combination of various arguments, some of them stronger and others weaker. Especially more institutionalized debates, such as court proceedings, have the character of a continuous shifting of the burden of proof to the opponent. The slippery slope precisely can do that because when it has some initial plausibility, it can shift the burden of proof to the proponent of a policy. Countertactics in a debate, correspondingly, need not always consist of a full critical analysis along the lines of the previous section but can have a more modest goal – to reshift the burden of proof to the other party. Thus, rather than trying to prove that the slope is highly unlikely, one might stress the positive consequences of A or argue that not doing A would have even worse consequences.

A third reason for their frequent use is that often appeals to slippery slopes express some underlying uneasiness about the rapid transformation of society. The slippery slope is then not really a specific argument against policy A, which is probably only the symptom or symbol of these changes. Yet, it can be a signal that there is something more fundamentally wrong about developments in society and we should try to find ways to address this signal. If a vague public distrust of new technology is the real motive behind the fear for a slippery slope, this distrust should be brought to the open rather than being 'rationalized away' by dismissing the appeal to a slippery slope as an invalid argument.

The Sociological and Psychological Dimension: Perceiving Reality

The major factor that makes slippery slope arguments so problematic still has to be addressed. Slippery slope arguments are based on interpretations of social reality and especially of the likelihood of future developments. These interpretations are inherently controversial, and arguments for one interpretation over another are always inconclusive. Is it likely that legalizing early abortions will lead to the gradual acceptance of increasingly later abortions, and in the end to the acceptance of infanticide? Or is it rather likely that strict enforcement of the abortion law will lead to substantive suffering and the death of

many pregnant women as a result of illegal abortion practices? Both speculations have some initial plausibility, but it is difficult to determine which is better.

Moreover, even if the facts are clear, it is not always certain that the presupposed causal relationships are inevitable. An illustration is offered by the 'stepping stone' theory with respect to drugs.

Case 9: "In most Western countries, a large proportion of those using soft drugs like marijuana will end up as addicts of hard drugs like heroin. We should therefore prevent the use of soft drugs like marijuana, even if in themselves they are much less dangerous than accepted drugs like alcohol or nicotine, to prevent further steps to the more dangerous and addictive drugs."

This is an example of an empirical slippery slope argument in which the normative conclusion seems to follow almost naturally from the empirical facts. Dutch drugs policies since the 1970s, however, have been based on the hypothesis that these 'drugs careers' were largely the result of the contingent fact that both types of drugs were sold in the same illegal subculture. If it were possible to separate the subculture of soft drugs from that of hard drugs, it might be possible to prevent individual users of soft drugs from switching to hard drugs.

Here again, there is no uncontroversial interpretation of the facts, not even in hindsight. According to most Dutch drugs experts, this element of Dutch drugs policy has worked, resulting in relatively low numbers of hard drugs addicts (although it is difficult to uphold the separation between the two subcultures, especially because the production and distribution of soft drugs remains illegal). Nowadays, a much smaller proportion of those who use soft drugs on a regular basis take the step to hard drugs. However, according to many opponents, especially politicians from other countries, the effects of the Dutch drugs policy (especially the toleration of the use of soft drugs) are disastrous. They do not believe that this is a way to prevent the slippery slope; they even consider the Dutch tolerance of soft drugs as the first step on a different slippery slope (if only because they do not want to distinguish between more and less harmful drugs).

This controversy shows that even appeals to 'objective' facts are not sufficient to decide the question whether there have been slides down the slope. Evaluative and ideological stances seem to color the observations by both parties in the debate (although, in my opinion, not in equal proportions). When this is so with regard to interpreting reality, it will be even more so with regard to interpreting the future. The basic difference between the optimist and the pessimist regarding the question of whether the glass is half full or half empty is even more strongly reflected with respect to the future danger of a slippery slope. Someone with a pessimistic outlook, who believes "everything is getting worse," will interpret the

facts in a negative way and will see every new technique as a further step in the wrong direction. The optimist, on the other hand, will interpret new developments as steps in the right direction; the more negative aspects will be seen as accidental and correctable. These outlooks are also reflected in attitudes toward the question of whether one thinks things can be stopped. Someone who is highly critical toward the existing political and legal order will have less confidence in the possibility of stopping future developments than someone with a strong trust in our democratic institutions.

Thus, we have an entanglement of, on the one hand, controversial interpretations of social reality and undecidable predictions regarding the future and, on the other hand, personal emotional, psychological, and moral attitudes and fundamental outlooks. The entanglement makes discussions of slippery slopes often futile because parties do not talk about the same facts and predictions.

A Case Study: Euthanasia in The Netherlands

The previous discussion can best be illustrated by an extensive discussion of what currently seems the most controversial example of a suggested slippery slope: Dutch euthanasia practice.

I have the impression that most physicians, lawyers, and ethicists in the United States believe in something similar to the following story:

Case 10A: "In 1973, the Dutch took the first step on the slippery slope. They tolerated active voluntary euthanasia on request in a case where death was near and where there was unbearable suffering. Subsequently, however, they abandoned each of these criteria by small steps. Now they are even discussing 'euthanasia' without request in cases of comatose patients, psychiatric patients, and severely handicapped newborns. There seems to be no end to this sequence: We may expect them to go further down the slippery slope yet."

On the other hand, most Dutch physicians, lawyers, and ethicists seem to perceive the Dutch history of euthanasia quite differently, similar to the following story:

Case 10B: "In the late 1960s, we began to realize that modern medical technology is not always beneficial. Life is not always worth living and sometimes suffering is so unbearable or the quality of life so poor that prolongation of life is itself an evil. Over the past 40 years, Dutch society as a whole has been involved in the process of this general discussion on medicine and health care, including topics like medical decisions concerning the end of life. This broad and intense discussion has been long and difficult, but gradually we have been moving

toward some general agreement. The consensus started with the relatively easy cases: euthanasia in cases where there is a clear request and unbearable suffering, and where the end of life is near. We went on to discuss the more difficult cases and we are still struggling with them. Examples of the most challenging cases are psychiatric patients who request euthanasia, comatose patients, and handicapped newborns. Discussion is continuing on these cases.”

This perception of the Dutch story is not one of a slippery slope but that of a long and winding road. For many years, the Dutch have been trying to convince their U.S. colleagues of their – and what seems to me the correct – interpretation of the story, usually (at least until recently) in vain.

Here we have an interesting problem that seems characteristic of many slippery slope arguments: The same reality is perceived in completely different ways. If opinions differ so strongly about the interpretation of a historical process, the differences will be even larger when discussing future developments. For instance, consider the proposals in various U.S. states to allow certain forms of euthanasia or physician-assisted suicide. If discussions about interpreting the Dutch situation have been in vain, how can we expect agreement on the assessment of the risks involved in these initiatives? To answer this type of question, we cannot exclude psychological and emotional factors. We need to address these factors directly because ultimately they seem to determine whether some person or group believes in the slippery slope or not.

In the Dutch euthanasia example, these factors may be quite complex. One explanation is that many Americans simply condemn every form of active euthanasia; every step will then clearly be perceived as a step down the slippery slope. A second explanation is that whether one perceives a development as a slippery slope largely depends on basic attitudes of trust in other persons and in society in general. In the United States, there seems to be much more distrust of physicians, lawyers, politicians, and fellow citizens (e.g., family members) than in The Netherlands. The Dutch practice heavily leans on trusting physicians because legal control of medical euthanasia practice is extremely difficult. Physicians trust fellow physicians, patients trust physicians, and the legal system entrusts physicians with these decisions. If someone with a basic attitude of distrust looks at this situation, he or she will see an extreme danger of abuse.

A third explanation is that implicitly one always interprets a development in the light of familiar facts and values. In The Netherlands, there is almost equal access to health care and almost no one will have to pay extremely high hospital bills; euthanasia is usually performed in the context of a long-standing physician–patient relationship, and there has been a long, intense, and broad discussion on

euthanasia. These facts are essential to understand why the risk of a slippery slope is perceived as minimal in Dutch society. If one lives in a society in which the facts are different, one will more easily perceive the risk of a slippery slope.

Conclusion

Cases 10A and 10B illustrate many of the problems surrounding slippery slope arguments. The facts do not await us in objective descriptions, nor are they neatly classified; the future is uncertain; and personal attitudes, backgrounds, and emotions strongly influence our perceptions. Slippery slope arguments are often not so much rational arguments as expressions of an underlying feeling of concern about general trends in society. If so, they have to be taken seriously by trying to reformulate them and bringing the underlying concerns into the open public debate. In those cases in which they are proper slippery slope arguments rather than other arguments in disguise, close analysis of the precise versions involved and the contexts in which they are thought to apply is necessary. Even if they are rarely valid, plausible, and conclusive, there may be situations in which some specific versions are convincing, especially in institutionalized contexts such as law, where they may shift the burden of proof.

Acknowledgments

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See also: Abortion; Drugs, Moral and Legal Issues; Embryology, Ethics of; Eugenics; Euthanasia (Physician-Assisted Suicide).

Further Reading

- Burgess JA (1993) The great slippery slope argument. *Journal of Medical Ethics* 19: 169–174.
- Enoch D (2001) Once you start using slippery slope arguments, you’re on a very slippery slope. *Oxford Journal of Legal Studies* 21: 629–647.
- Koons RC (1994) A new solution to the sorites problem. *Mind* 103: 439–449.
- LaFollette H (2005) Living on a slippery slope. *Journal of Ethics* 9: 475–499.
- Lamb D (1988) *Down the Slippery Slope. Arguing in Applied Ethics*, New York: Croom Helm.

- Lewis P (2007) The empirical slippery slope from voluntary to non-voluntary euthanasia. *Journal of Law, Medicine, and Ethics* 35: 197–210.
- Schauer F (1985) Slippery slopes. *Harvard Law Review* 99: 361–383.
- Van der Burg W (1991) The slippery slope argument. *Ethics* 102: 42–65.
- Volokh E (2003) The mechanisms of the slippery slope. *Harvard Law Review* 116: 1026–1137.
- Walton D (1992) *Slippery Slope Arguments*. Oxford: Clarendon.
- Whitman JP (1994) The many guises of the slippery slope argument. *Social Theory and Practice* 20: 85–97.
- Williams B (1985) Which slopes are slippery? In: Lockwood M (ed.) *Moral Dilemmas in Modern Medicine*, pp. 126–137. Oxford: Oxford University Press.

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